

# **RULES AND REGULATIONS**



# **OF THE CIVIL SERVICE BOARD**

**FOR THE CITY OF DAYTON, OHIO**

## **Board Members**

Talbert L. Grooms, Chairperson

Betty L. Toney

Alvin Freeman

## **Secretary and Chief Examiner**

Maurice J. Evans

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## CIVIL SERVICE RULES AND REGULATIONS

### City of Dayton, Ohio

**TITLE**
**PREAMBLE**
**RULE**

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**AUTHORITY.** Under Section 93 of the Charter of the City of Dayton, Ohio, the Civil Service Board is established.

**POLICY.** It is the policy of the Civil Service Board to comply with Section 96 of the Charter, providing for appointment and employment in all positions in the classified service, and Section 98, providing for promotions to all positions in the classified service, based on records of merit, efficiency, character, conduct, and seniority. The Civil Service Board must consider relative abilities, knowledge, and skills in the performance of these duties.

It is the intent of the Civil Service Board to comply with all pertinent sections of the Charter in the development and implementation of its Rules.

Upon approval of the Rules by the City Commission, these Rules shall be binding upon the Civil Service Board, all City departments, City employees in the classified service, and all other departments and/or employees for which these Rules apply.

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**CIVIL SERVICE RULES AND REGULATIONS**  
**City of Dayton, Ohio**

**TITLE   ORGANIZATION AND DUTIES OF THE BOARD      **RULE   1****

Section 1.      ORGANIZATION. By Charter provision, the Civil Service Board shall consist of three members appointed by the City Commission. At the first regular meeting held in January of each year, the Board shall elect one of its members as Chairperson.

Section 2.      DUTIES AND FUNCTIONS. The Board shall:

A.      Adopt and amend rules and regulations:

- 1)      for the recruitment, selection, appointment, and advancement to all positions in the classified service based on merit, fitness, efficiency, character, and industry;
- 2)      for the regulation of such other personnel actions as are within the Board's authority, such as transfers, demotions, and layoffs;
- 3)      for conducting hearings on appeals for disciplinary or nondisciplinary actions regarding suspensions, demotions, and terminations;
- 4)      for the conduct of its business.

Upon approval of these Rules and Regulations by the City Commission, the Board shall enforce these Rules. **EXCEPTION:** By special resolution approved by the City Commission, the Board may suspend any specific provision of these Rules.

B.      Select, appoint, or remove a Secretary and Chief Examiner and, on his/her recommendation, may appoint such examiners, clerks, and other employees as may, by appropriation, be provided for.

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**TITLE** ORGANIZATION AND DUTIES OF THE BOARD **RULE** 1

- C. Assure that all employment practices and other staff actions under these Rules adhere to the principles of merit and fitness.
- D. Submit an annual report and such periodic special reports, as needed, to the Commission enumerating its activities and making such recommendations as it may deem to be in the best interests of the City.
- E. Conduct such investigations as it deems necessary concerning the enforcement and effect of the Charter provisions regarding Civil Service and of these Rules and, in conducting any investigation, the Board shall have the power to subpoena and require the attendance of witnesses and the production of pertinent documents - and to administer oaths to such witnesses.
- F. Conduct-background investigations through the Department of Police for applicants to vacant positions where a high degree of public trust is required, and act upon the findings of said investigations.
- G. Maintain minutes of its official meetings, which shall be authenticated by signatures of the Chairperson as well as the Secretary and Chief Examiner. Said minutes shall be available for public inspection.
- H. Conduct or provide for the hearing of appeals authorized by the City Charter.
- I. Adopt and publish, as necessary, policies which prescribe the procedures under which Civil Service Rules and Regulations shall be implemented.

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**CIVIL SERVICE RULES AND REGULATIONS**  
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**TITLE**   **ORGANIZATION AN DUTIES OF THE BOARD**   **RULE**   **1**

Section 3.   SCHEDULE OF MEETINGS. The Board shall conduct at least one regular meeting monthly, which shall be open to the public. Notice of the regular meeting(s) shall be posted in a manner directed by the Board at least five (5) working days in advance of such meeting(s). A quorum, consisting of two (2) members, must be present to conduct business. The Board may conduct Executive meetings as necessary.

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**CIVIL SERVICE RULES AND REGULATIONS**  
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**TITLE**    **DUTIES OF THE SECRETARY AND CHIEF EXAMINER**    **RULE**    **2**

The Secretary and Chief Examiner shall:

Section 1.    Keep the minutes of all proceedings of the Board, develop meeting agendas, and bring to the Board's attention all policy and procedural matters requiring Board resolution.

Section 2.    Recommend to the Board the appointment and removal of subordinate staff, within the budgeted authorization approved by the City Commission.

Section 3.    Maintain employment records of all employees, including class title and pay status, and other records as may be required by the Board in fulfilling its responsibilities.

Section 4.    Certify each payroll authenticating that the persons paid thereon have been properly appointed to the class title and pay rate indicated. The Director of Finance shall refuse to pay any person for whom the Secretary and Chief Examiner's certification is lacking. The Secretary and Chief Examiner is hereby empowered to examine vouchers for payment for personal services to assure compliance with these Rules.

Section 5.    Make reports on matters affecting the classified service as the Board shall request, or that he/she believes relevant on his/her own initiative, and make such investigations as the Board shall authorize.

Section 6.    Prepare and implement the use of such forms, reports, and procedures as he/she finds necessary to carry out the intent of these Rules.

Section 7.    Develop and implement procedures for the recruitment of applicants for the classified service, with due attention to the principles set forth in Rule 1. In exercising this function he/she shall, to the extent he/she deems necessary, call upon officials of any City department for assistance.

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**TITLE**    **DUTIES OF THE SECRETARY AND CHIEF EXAMINER**    **RULE**    **2**

**Section 8.**    Supervise all examinations for entry into or promotion within the classified service. In the exercise of this function, and in addition to the use of Civil Service Board staff, he/she may nominate, for Board approval, such persons, private-sector employees, or City employees deemed fit to act as special examiners to assist in the conduct of any examination. Special examiners who are regular employees of the City of Dayton shall be required to serve in such a capacity as part of their official duties. All such examiners shall perform this function under the direction of the Secretary and Chief Examiner.

**Section 9.**    Compile eligible lists from the results of examinations, showing the names of all persons who, by the examination, have demonstrated their relative potential to perform the work required of the job classification. However, no eligible list may be modified after promulgation without the approval of the Board. Such eligible lists shall be forwarded to the appointing authority.

**Section 10.**    Certify the qualifications of applicants considered for employment in the noncompetitive class.

**Section 11.**    In accordance with Section 97 of the City Charter and these Rules, make appointments to the classified service.

**Section 12.**    Perform such other work as is from time to time assigned by the Board.

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**CIVIL SERVICE RULES AND REGULATIONS**  
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**TITLE** **COMPETITIVE, NONCOMPETITIVE AND LABOR CLASSES** **RULE** **3**

Section 1.     UNCLASSIFIED SERVICE. The unclassified service consists of those positions defined in Section 95 of the City Charter, and is beyond the scope of these Rules.

Section 2.     CLASSIFIED SERVICE. The classified service includes all positions not included in the unclassified service by Section 95 of the City Charter. The classified service is divided into three (3) classes:

- A.     The competitive class shall include all positions and employment for which it is practicable to determine the merit and fitness of applicants by competitive examination.
- B.     The noncompetitive class shall consist of all positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional, or educational character, as may be determined by the Rules of the Board.
- C.     The labor class shall include ordinary unskilled labor.

The Board shall determine, in all cases, those positions which comprise the three aforementioned classes in the classified service.

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## CIVIL SERVICE RULES AND REGULATIONS

### City of Dayton, Ohio

<b>TITLE</b>	<b>POSITION CLASSIFICATIONS</b>	<b>RULE</b>	<b>4</b>
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Section 1.      CLASSIFICATION SPECIFICATIONS. Whenever a new classification is created, a position reclassified or retitled, or the duties of a classification are changed in such a manner as to require creation of a new classification, the City Manager shall submit to the Board a class specification showing the title, duties and responsibilities, and minimum qualifications. Whenever the duties and responsibilities shown on a class specification are unclear or undistinguishable from another class, the Board shall reject said class specification. The Board shall determine whether the position class is competitive, noncompetitive, or of the labor class, in accordance with Section 2.

Section 2.      CLASSIFICATION PLAN. The official classification plan shall be maintained by the Secretary and Chief Examiner and distributed annually to each of the departments and agencies of the City. The plan shall consist of the titles and class specifications for all positions in the classified service, show whether the class is competitive or noncompetitive, or of the labor class, and identify the job series, if applicable.

Section 3.      DETERMINATION OF JOB SERIES. For purposes of promotion, demotion and layoff, a class of positions may be placed in a job series. The Secretary and Chief Examiner, after consultation with the City Manager, shall determine the appropriate job series for each class of positions based upon the progressive nature of duties, responsibilities and minimum qualifications.

Section 4.      CLASSIFICATION CHANGES. Whenever the duties or responsibilities of a position are changed, the following will occur:

A.      If all positions within a class are equally affected and if the position class remains in the same ranking relationship to other related position classes, employees shall be placed in the new class without process of examination.

- A. If all positions within a class are equally affected and if the position class remains in the same ranking relationship to other related position classes, employees shall be placed in the new class without process of examination.

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- B. In all other instances, if the duties of a reallocated position under its new classification are on a higher level than those performed under the original classification, the new position must be filled by appointment from an eligible list or a certification list. If no eligible or certification list exists for the class, a temporary appointment may be made in accordance with Rule 9.
- C. In all other instances, if the duties of a reallocated position, under its new classification, are on a lower level than those performed under the original classification, it may be filled by voluntary demotion, or as otherwise provided by these Rules.

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**TITLE    RECRUITMENT AND APPLICATION FOR ORIGINAL  
          APPOINTMENT**

**RULE    5**

**Section 1.    NOTICE.**

- A.    Notice of open competitive examinations for original appointment to the classified service shall be given at least two (2) weeks prior to the date set for an assembled examination. The minimum advertising shall be: (1) by posting notices of examinations in the Civil Service Board Office and (2) by advertisement in at least one newspaper of general circulation in the City of Dayton. Additional advertising shall be at the discretion of the Secretary and Chief Examiner, with the objective of providing reasonable assurance that interested and qualified persons will be made aware of the examination and the requirements therefor.
- B.    Notice of noncompetitive appointment opportunities and the advertisement of such opportunities, shall be made in such manner as determined by the Secretary and Chief Examiner.

**Section 2.    APPLICATION FORMS.** The Secretary and Chief Examiner shall devise one or more application forms which shall be the exclusive method of applying for entrance into the classified service. This form shall require the applicant to state his/her name, address, education, training and experience, employment record and such other information as the Secretary and Chief Examiner shall require; and require the applicant to sign the application by hand or acknowledge electronically, provided that the form shall not require the inclusion of any discriminatory information.

**Section 3.    SUPPORTING DATA.** The Secretary and Chief Examiner may require any applicant to submit adequate proof to verify any statement made on the application form.

**Section 4.    FILING DATE.** Any applicant wishing to compete in an examination must file his/her application with the Civil Service Board Office no later than the closing date and time set forth in the examination announcement. The closing date and time will be determined by the Secretary and Chief Examiner.

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**TITLE    RECRUITMENT AND APPLICATION FOR ORIGINAL  
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**RULE    5**

Section 5.    REJECTION OF APPLICATIONS. The Secretary and Chief Examiner may refuse to accept an application for any of the following reasons:

- A.    It was not filed within the prescribed time period;
- B.    The applicant does not meet the requirements of the position as set forth in the position description included in the examination announcement;
- C.    The application contains a false statement of a material fact;
- D.    Any Police Recruit applicant who, eight (8) years or less prior to beginning the background investigation process, has ever illegally possessed, used, sold or distributed any “controlled substance” or abused, sold or distributed a “dangerous drug” as defined by State of Ohio law, will be disqualified;
- E.    Any Police Recruit applicant who has personally used marijuana two (2) years or less prior to the beginning of the background investigation will be disqualified;
- F.    Persons convicted of a felony are not eligible for positions in the sworn forces of the Police Department.
- G.    Former full-time and part-time employees who participated in the 2008 City of Dayton Voluntary Separation Plan (VSP) will not be eligible to apply for any position or sit for any examination for any position with the City of Dayton for a period of three (3) years from the effective date of their separation.

The appropriate use of legally prescribed and non-prescription medications will not disqualify a Police Recruit applicant.

If information comes to the attention of the Secretary and Chief Examiner, following acceptance of the application and prior to the promulgation of an eligible list, which would have resulted in rejection of the application, the applicant may be disqualified.

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**RULE   5**

Section 6.    EQUAL EMPLOYMENT OPPORTUNITY. Applications will be accepted without regard to ethnic background, sex, age, citizenship or physical handicap, except for those classifications for which the Board determines that a bona fide occupational qualification exists.

Section 7.    UNSKILLED LABORERS. Applicants for unskilled positions may be recruited, examined, certified and appointed in the same manner as applicants in the competitive class.

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# CIVIL SERVICE RULES AND REGULATIONS

## City of Dayton, Ohio

<b>TITLE</b>	<b>OPEN COMPETITIVE EXAMINATIONS</b>	<b>RULE   6</b>
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Section 1.      CONDUCT OF EXAMINATIONS. All examinations shall be conducted under the supervision of the Secretary and Chief Examiner subject to the policy direction of the Civil Service Board.

Section 2.      EXAMINATIONS TO BE JOB-RELATED. All examinations shall be designed to test the relative qualifications of applicants to discharge the duties of the particular position(s) which they seek to fill. All examinations shall deal with the knowledge, skills and abilities necessary for satisfactory work performance. No question shall relate to the race, ethnic background, gender, sexual orientation, political affiliation or opinion, religious belief or age of any applicant.

Section 3. CONTENTS OF EXAMINATIONS. Examinations may consist of any one or more of the following types of tests:

- A. Written Test. This part, when required, shall include a written demonstration designed to show the familiarity of the competitors' skills, knowledge and abilities involved in the class of positions to which they seek appointment and to ascertain special aptitudes, when required.
- B. Performance Test. This part, when required, shall include such tests of performance as would determine the ability of candidates to perform the work involved.
- C. Oral Test. This part, when required, may include a personal interview with competitors for classes of positions where the ability to deal with others, meet the public, make an oral presentation or other similar qualifications are to be determined. This part may also be designed to elicit a demonstration of the criteria enumerated in subsection (A) above.

Section 4. TRAINING AND EXPERIENCE REQUIREMENTS. Training and experience may be assessed from the statements of education and experience contained in the application form or from supplemental data as may be required. Results of reference checks, if made prior to oral tests, may be part of the evaluation of training and experience.

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# CIVIL SERVICE RULES AND REGULATIONS

## City of Dayton, Ohio

**TITLE**    **OPEN COMPETITIVE EXAMINATIONS**

## RULE 6

Section 5.      SCORING EXAMINATIONS. Examination grades shall be computed in a manner consistent with professional psychometric standards. Parts of an examination, or a combination of parts, may disqualify an applicant from further consideration in the examination process. The Secretary and Chief Examiner shall have the authority to establish pass/fail cutting scores for each examination.

Section 6.      BREAKING TIES. If, after adding all appropriate credits, two (2) or more candidates have the same scores on an examination, the tie will be broken by a random selection method or by such other methods as may be determined by the Secretary and Chief Examiner in advance of an examination.

Section 7. INSPECTION OF PAPERS. Any person, or his/her authorized representative, may inspect his/her examination papers under the following criteria:

- A. For any competitive examination, candidates will be permitted to review their individual examination paper for conformance with the following:
- 1) Civil Service personnel will grade all papers, but scores will not be computed.
  - 2) Beginning the third (3rd) workday following the examination, examinees may review their test papers one (1) time during the following three (3) day work period.
  - 3) The examinees may review only those questions which were graded as incorrect on their examination papers.
  - 4) Examinees will not be permitted to review copyrighted, standardized tests which have been purchased by Civil Service from test publishing agencies, nor will they be permitted to review test questions on exams which have been developed by outside consultants or the Civil Service Board, unless approved by the Secretary and Chief Examiner.

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**TITLE    OPEN COMPETITIVE EXAMINATIONS                      RULE    6**

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- B. Appeal of Examination Questions.
- 1) If an examinee believes that a question has been improperly graded, based upon substantiating material, he/she may appeal such question using the appropriate form provided by the Civil Service office.
  - 2) Following the review period, any appealed items will be presented to selected experts for ruling. Such experts will be chosen by the Secretary and Chief Examiner. The experts' ruling, with the Chief Examiner's approval, shall be final.
  - 3) Subsequent to the experts' decision, exam papers will be regraded if necessary, scores computed and an eligible list promulgated. Each complainant shall be notified by mail of the result of his/her appeal.

Section 8. CONCEALMENT OF IDENTITY. The Secretary and Chief Examiner shall adopt procedures to assure that the identity of candidates is properly concealed and that each candidate is credited with his/her own exam results.

Section 9.      NOTIFICATION OF EXAMINATION RESULTS. Each person who takes an examination shall be notified of his/her grade and/or rank on the eligible list.

Section 10. CANCELLATION OF EXAMINATION. The Secretary and Chief Examiner may cancel, postpone, reschedule or reannounce any examination for any good and sufficient reason deemed in the best interest of the service. All such incidents shall be reported to the Board and appear in the minutes with the reason for such action.

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**TITLE    OPEN COMPETITIVE EXAMINATIONS                      RULE   6**

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- Section 11.     FIREFIGHTER RECRUIT EXAMINATION.
- A.     A person obtaining a passing grade on an open competitive examination for the position of Firefighter Recruit is eligible to receive preference points as set forth below. Five (5) preference points are the maximum preference points that a person may receive.
- 1)     A person who prior to the date of examination has been honorably discharged from service with any branch of the United States military is entitled to have five (5) preference points added to that person's passing grade; or
- 2)     A person who prior to the date of examination is employed by the City and has satisfactorily completed six (6) or more months of full-time employment with the City, as documented by City performance evaluations, is entitled to have five (5) preference points added to that person's passing grade.

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**TITLE** PROMOTIONS **RULE** 7

Section 1.     GENERAL. Except when inconsistent with any section of this Rule, the provisions of Rule 6 regarding the conduct of open competitive examinations shall apply to promotional examinations. A promotion means moving from a classification of lower maximum pay range into a classification which has a higher maximum pay range, exclusive of fringe benefits.

Section 2.     POLICY. Whenever practicable, vacancies in positions above the lowest rank or grade within a series of similar classifications shall be filled by promotion. The Secretary and Chief Examiner, with approval of the Board, shall develop and post, and from time to time revise, a list of positions ordinarily filled by promotional examination, and showing the classifications eligible and the seniority required for each such classification.

Section 3.     ELIGIBILITY FOR PROMOTIONAL EXAMINATION. No person shall be eligible for any promotional examination who:

- A.     does not meet the criteria of Section 1 above;
- B.     has not satisfactorily completed his/her initial probationary period;
- C.     has been rated as less than satisfactory in his/her last two (2) performance appraisals or efficiency reports. (Exception: Where the person has not been in the service for a sufficient length of time to have received two (2) appraisals or reports, he/she must have been rated at least satisfactory in one (1) appraisal or report);
- D.     is not employed at the time of examination in any of the eligible classes, as determined by the Board, and set forth in the promotional examination announcement for the required length of permanent service;
- E.     was demoted as a result of disciplinary action during the twelve (12) month period preceding the promotional examination.

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TITLE    PROMOTIONS

RULE    7

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Section 4.     NOTICE OF PROMOTIONAL EXAMINATION. Notice of promotional examination shall be posted in the Civil Service Board Office at least two (2) weeks prior to the date set for the examination.

Section 5. PERFORMANCE APPRAISAL CREDITS. In all promotional examinations, credits shall be added to an individual's passing grade, based upon the rating of his/her last performance appraisal(s). This credit shall be applied by policy established by the Civil Service Board.

Section 6.      SENIORITY. After the final examination grade is computed in a promotional examination, there shall be added to any passing grade a credit for seniority, based upon the employee's length of service. In determining seniority or service time, no service shall be included prior to a period of absence which exceeded one (1) year, except for military leave. If, within a year, an individual who resigned from City service is reinstated by the Board, or obtains reemployment by selection from an eligible list, the calendar days from date of resignation until date of reemployment shall be deducted from his/her seniority. If the individual is not reappointed within one year from the date of his/her resignation from City service, his/her seniority will be computed from the date of reappointment. The amount of credit shall be one-fourth (1/4) of a percentage point for each year of service, for a maximum of two and one-half (2-1/2) points.

Section 7. BREAKING TIES. If two or more candidates receive the same total grade, including seniority and efficiency points, the tie shall be broken in favor of the candidate with the longest total City service. If a tie still exists, the tie shall be broken by a random selection method, or by such other methods as may be determined by the Secretary and Chief Examiner in advance of an examination.

Section 8. INSPECTION OF PAPERS. Candidates for promotional examination may review their test papers under the criteria outlined in Rule 6, Section 7.

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**City of Dayton, Ohio**

**TITLE** ELIGIBLE LISTS AND CERTIFICATIONS **RULE** 8

Section 1.     ELIGIBLE LISTS. The Secretary and Chief Examiner will establish and maintain such eligible lists for the various classes of positions as he/she deems necessary to meet the needs of the service.

- A.     Open Competitive Lists. Such lists contain the names and final grades in order of rank for those applicants attaining a minimum passing score on open competitive examinations.
- B.     Promotional Lists. Such lists contain the names and final grades in order of rank for those applicants attaining a minimum passing score for promotional examinations, which are limited to persons already in City Service.
- C.     Recall Lists. Such lists contain the names of permanent employees who were separated or demoted from their positions because of lack of work or funds, or whose positions were abolished as a result of departmental reorganization. The names of such employees shall be placed on the recall list in the inverse order of their layoff or demotion, and each name shall remain on the list for three (3) years, unless the employee is reappointed earlier. At the discretion of the Board, this period may be extended.
  - 1) Employees in their initial probationary status at the time of layoff are not entitled to have their names placed on the recall list, but instead, shall have their names restored to the top of the appropriate eligible list for a period of one (1) year from the date of layoff.
  - 2) Professional - Technical - Supervisor and Management employees in their initial probationary status at the time of layoff or involuntary conversion to a part-time appointment shall have their names placed on a noncompetitive certification list, for consideration, for a period of one (1) year from the date of layoff or change in type of appointment.

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**CIVIL SERVICE RULES AND REGULATIONS**  
**City of Dayton, Ohio**

**TITLE**    **ELIGIBLE LISTS AND CERTIFICATIONS**                      **RULE**    **8**

**Section 2.**    **REQUISITION.** Whenever a department director desires to fill an authorized vacancy in the classified service, he/she shall submit a requisition, approved by the City Manager, specifying the title of the position to be filled, the date he/she desires to make the appointment, and such other information as the Secretary and Chief Examiner requires.

The Secretary and Chief Examiner is authorized to investigate any requisition in order to assure that the position is properly classified.

No requisition shall specify the sex of the desired employee, unless sex is a bona fide occupational qualification.

**Section 3.**    **CERTIFICATION.** On receipt of an approved requisition, the Secretary and Chief Examiner shall certify and refer to the department director the names of eligibles from the appropriate eligible list in the order in which they have placed, including credit for efficiency and seniority when applicable. Positions will be filled in accordance with such ranking.

Eligibles will be selected from lists in the following designated order:

1. Recall – Per Rule 15
2. Voluntary Demotion
3. Promotional
4. Reinstatement after Resignation
5. Open Competitive

If a department director decides not to fill the vacancy, the requisition shall be cancelled by the City Manager, and written justification of such action shall be submitted to the Secretary and Chief Examiner.

**Section 4.**    **CORRECTIONS TO ELIGIBLE LISTS.** No eligible list may be changed without approval of the Secretary and Chief Examiner; such action shall be ratified by the Board in a subsequent meeting. Whenever in its judgment the interests of the public so require, the Board may correct or amend any candidate's score when it appears that an error has been committed.

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# CIVIL SERVICE RULES AND REGULATIONS

## City of Dayton, Ohio

**TITLE ELIGIBLE LISTS AND CERTIFICATIONS** **RULE 8**

In case of substantial errors or other irregularities in an examination, the Board shall have the power to rescind an eligible list and to order a new examination. Any appointment made prior to such action shall not be invalidated, and any referral in progress shall be continued to its conclusion.

Section 5. REMOVAL FROM ELIGIBLE LIST. The name of any person on an eligible list may be removed under the following conditions:

- A. where good cause exists, the City Manager or his/her designee, or the Secretary and Chief Examiner may request that a person's name be removed from the eligible list. The Board shall consider the reason(s) for each request, and if the reason(s) clearly relates to the suitability of the person for the position, the Board may cause his/her name to be removed;
- B. if the person declines the position;
- C. if the person fails to respond to an employment notice from the Board;
- D. if the person fails to report for interview or background check within five (5) workdays;
- E. if the person cannot be located by postal authorities;
- F. upon recommendation from the City Physician;
- G. if the eligible list results from a promotional examination, a resignation or other termination from the City service shall be cause for removal of a person from the eligible list;
- H. Any applicant for the safety forces, who, eight (8) years or less prior to beginning the background investigation process, has ever illegally possessed, used, sold or distributed any “controlled substance” or abused, sold or distributed a “dangerous drug” as defined by State of Ohio law, will be disqualified;
- I. Any applicant for the safety forces, who after 25 years of age, has ever illegally possessed, used, sold, or distributed any “controlled substance” or abused, sold or distributed a “dangerous drug” as defined by State of Ohio law, will be disqualified;

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**CIVIL SERVICE RULES AND REGULATIONS**  
**City of Dayton, Ohio**

**TITLE**    **ELIGIBLE LISTS AND CERTIFICATIONS**                      **RULE**    **8**

- J.    Any applicant for the safety forces, who has personally used marijuana two (2) years or less prior to the beginning of the background investigation will be disqualified;
- K.    Any person convicted of an offense that disqualifies the applicant for the position under State or Federal Law.

The appropriate use of legally prescribed and non-prescription medications will not disqualify an applicant.

Written requests for reconsideration of removal from an eligible list must be received within ten (10) work days of notification of removal. Upon submission of a satisfactory explanation, the Board may restore an eligible to the list. Any appointment made prior to such action shall not be invalidated and any referral in progress shall be continued to its conclusion.

Section 6.    **REINSTATEMENT TO ELIGIBLE LIST AFTER RESIGNATION.** A former full-time employee in the competitive class with permanent status for a minimum of one (1) year, who has resigned from the classified service in good standing may, within one (1) year following his/her resignation, be reinstated to a special eligible list which shall have a duration of one (1) year, for the classification in which he/she had served at the time of separation, and shall have first priority to appointment after appointment of any persons on an existing promotional eligible list for that classification. Reinstatement requests must be made in writing to the Board, and it may request a recommendation from the head of the department or agency in which the employee last served.

Section 7.    **DURATION OF ELIGIBLE LISTS.** The term of an eligible list is fixed at one (1) year from the date of promulgation, provided that;

- A.    The Board may, at its discretion, prior to the date of expiration of eligibility, extend the period of eligibility for any competitive position, provided the total period of eligibility shall not exceed two (2) years.

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**CIVIL SERVICE RULES AND REGULATIONS**  
**City of Dayton, Ohio**

**TITLE**    **ELIGIBLE LISTS AND CERTIFICATIONS**                      **RULE**    **8**

B.      When the Board anticipates that a current eligible list will not supply the needed number of job candidates, or when it is desirable to ensure that there is no delay between the expiration of one list and the establishment of a new list, it may schedule an examination and publish a consecutive eligible list which shall become effective after the current list is exhausted of candidates, or expires due to the time limitations stated in subsection A above.

C.      Safety Forces – As it pertains to competitive examinations for safety forces positions, the Board, at its discretion and prior to the date of expiration of eligibility, may extend the period of eligibility on a year for year basis, provided the total period of eligibility shall not exceed four (4) years.

Section 8.      REFERRAL FROM EXPIRED ELIGIBLE LIST. Employment referrals shall continue to be made from an eligible list that was active on the date that a Personnel Requisition was authenticated by the City Manager and received in Civil Service until:

- A.      the position is filled, or;
- B.      the eligible list is exhausted.

Section 9.      WAIVER OF APPOINTMENT. An applicant may request a waiver of a referral due to temporary physical incapacity, active military duty, or other temporary inability. A request for waiver must be submitted in writing to the Board within five (5) work days of referral. The applicant requesting a waiver cannot withdraw such request. Upon receipt of a waiver request, referral to the vacant position(s) will be made from the remaining eligibles in accordance with their rank on the eligible list. The Board may grant or deny such waiver and shall enter upon its minutes the reasons for its action in each case. When a waiver is denied the applicant's name shall be stricken from the appropriate list. Unless the Board limits the duration of the waiver, a waiver once granted remains in effect until 1) the applicant notifies the Board in writing that the basis for waiver has ended, or 2) except for military waivers, the eligible list has expired.

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**CIVIL SERVICE RULES AND REGULATIONS**  
**City of Dayton, Ohio**

**TITLE**    APPOINTMENTS

**RULE**   9

Section 1.    TYPES OF APPOINTMENTS. Appointments in the classified service shall be one of the following types:

- A.    Permanent Appointment. An original appointment to a full-time position made from a certified competitive or noncompetitive eligible list shall be a permanent appointment, but the incumbent is subject to the completion of a probationary period, as outlined in Rule 10.
- B.    Temporary Appointment. When services are needed for a short-term period, a temporary appointment, without examination, may be made under any of the circumstances set forth below. Such appointment shall not exceed a six (6) month period in any twelve (12) month period.
1.    In the absence of an eligible list and when there is an urgent need to fill a regular vacancy, a temporary appointment may be made for no more than four (4) weeks following the establishment of an eligible list.
  2.    To fill a position vacated on a temporary basis because of illness, injury, or other legitimate reason for absence of a regular employee. Such appointment shall cease upon the termination of the leave of absence of the regular employee. In the event that regular employee terminates their employment, the provisions of Section 1 (B) (1) shall apply.
  3.    To fill a position created for a limited period when additional work of a temporary nature must be performed within a specified time and regular staff is not adequate to meet the need. The duration of the period of temporary service shall be set at the time the position is filled.

If a person whose name is on the eligible list for regular appointment is offered a temporary position, acceptance or refusal to accept the temporary position shall not affect his/her eligibility for regular employment.

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# CIVIL SERVICE RULES AND REGULATIONS

## City of Dayton, Ohio

TITLE	APPOINTMENTS
1. Mr. J. H. Smith	1. 10:00 AM - 11:00 AM
2. Mr. A. B. Jones	2. 11:00 AM - 12:00 PM
3. Mr. C. D. Brown	3. 12:00 PM - 1:00 PM
4. Mr. E. F. Green	4. 1:00 PM - 2:00 PM
5. Mr. G. H. White	5. 2:00 PM - 3:00 PM
6. Mr. I. J. Black	6. 3:00 PM - 4:00 PM
7. Mr. K. L. Gray	7. 4:00 PM - 5:00 PM
8. Mr. M. N. Blue	8. 5:00 PM - 6:00 PM
9. Mr. O. P. Red	9. 6:00 PM - 7:00 PM
10. Mr. Q. R. Purple	10. 7:00 PM - 8:00 PM

## RULE 9

No individual shall be eligible for subsequent temporary/seasonal appointment without a break in service.

Service as a temporary employee shall not be counted as time served toward the completion of a probationary period. The temporary appointment of an individual shall not confer on the appointee any rights of status, appeal, or related rights set forth under these Rules.

- C. Seasonal Appointment. A seasonal appointment may be made to encompass a growing season, recreational season, or the like. Upon approval of the Board, seasonal positions may be created which exceed six (6) months provided the specific starting and ending dates are established for such positions.

No individual shall be eligible for subsequent temporary/seasonal appointment without a break in service.

Service as a seasonal employee shall not be counted as time served toward the completion of a probationary period. The seasonal appointment of an individual shall not confer on the appointee any rights of status, appeal, or related rights set forth under these Rules.

- D. Emergency Appointment. An emergency, as the term is used herein, means any unforeseen condition which is likely to cause loss of life or damage to property, the stoppage of services, or serious inconvenience to the public. Upon receipt of a request from a department director citing such emergency condition(s), the Secretary and Chief Examiner may authorize one or more emergency appointments, for the duration of the emergency, not to exceed thirty (30) calendar days. The department director shall determine the qualifications of persons nominated for emergency appointment. Service as an emergency employee shall not be counted as time served toward the completion of a probationary period. The emergency appointment of an individual shall not confer on the appointee any rights of status, appeal, or related rights set forth under these Rules.

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**CIVIL SERVICE RULES AND REGULATIONS**  
**City of Dayton, Ohio**

**TITLE**    APPOINTMENTS

**RULE**    9

- E.    Part-Time Permanent Appointment. A part-time permanent appointment, except as defined in Rule 9, Paragraph F below, may be made to a position which requires the services of an employee thirty-five (35) or less hours a week. Part-time permanent employees may be selected through a process approved by the Board, but shall have no right to full-time except as set forth in Rule 9, Section 1 (A).
- F.    Professional - Technical - Supervisor and Management Part-Time Appointment. A part-time appointment may be made to a Professional – Technical – Supervisor and Management classification which requires the services of an employee thirty-five (35) or less hours a week. Professional – Technical – Supervisor and Management part-time employees may be selected through a process approved by the Board, but shall have no right to full-time except as set forth in Rule 9, Section 1 (A).
- G.    Student Appointment. A full-time student may be appointed for no more than six (6) months in any twelve (12) month period, or on a basis of no more than half-time for a twelve (12) month period. A student appointment can be made without competitive examination, on the basis of recommendations from the employing department director and the student's school.
- H.    Firefighter Recruit Appointment. No person who will be thirty-six (36) years of age or older at the time the Firefighter Recruit Training Academy class is scheduled for completion shall receive an original appointment to the position of Firefighter Recruit.
- I.    Firefighter Appointment. No person who is thirty-six (36) years of age or older shall receive an original appointment to the position of Firefighter.
- J.    Police Recruit Appointment. No person who will be thirty-five (35) years of age or older at the time the Police Recruit Training Academy class is scheduled for completion shall receive an original appointment to the position of Police Recruit.

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# CIVIL SERVICE RULES AND REGULATIONS

## City of Dayton, Ohio

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10. Mr. Q. R. Purple	10. 7:00 PM - 8:00 PM

## RULE 9

K. Police Officer Appointment. No person who is thirty-five (35) years of age or older shall receive an original appointment to the position of Police Officer.

Before appointment, all persons employed under this Section must meet the minimum educational, experience, and related qualifications set for the classification and be certified by the Civil Service Board staff.

Section 2.      REINSTATEMENT. A former full-time employee who has been reinstated to an eligible list, may be referred for appointment in accordance with Rule 8, Section 6. A reinstated employee is not subject to a new probationary period. If the individual is not reinstated within one (1) year from the date of his/her separation from City service, his/her seniority will be computed from the date of reinstatement. A physical examination will be required at the time of reinstatement if such separation exceeds ninety (90) days.

Section 3. NONCOMPETITIVE APPOINTMENT. When a vacancy occurs in the noncompetitive class, the City Manager shall notify the Secretary and Chief Examiner through a requisition. The Secretary and Chief Examiner may require the nominee(s) to submit documentation as deemed necessary to verify the candidate's education, experience and licensure. Applications and an unranked list of pre-certified individuals will be forwarded to the appropriate department director for interview and subsequent selection.

Section 4. PHYSICAL/PSYCHOLOGICAL QUALIFICATIONS. No appointment shall be made without prior physical and, when required, a psychological examination which demonstrates an individual's ability to successfully perform the duties of the position to which appointed.

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**CIVIL SERVICE RULES AND REGULATIONS**  
**City of Dayton, Ohio**

**TITLE    PROBATION**

**RULE   10**

Section 1.    INITIAL APPOINTMENT. All persons initially appointed in the competitive or noncompetitive class shall be subject to a probationary period. This period is regarded as an integral part of the examination process and may be used to remove any employee who does not meet the required standards of professional and personal performance, with no right of appeal.

Section 2.    LENGTH. The initial probationary period shall be for six (6) months following appointment. The probationary period shall be extended by the number of days during which the employee was absent without pay within his/her probationary period. A probationary employee may be discharged at any time within said period of six (6) months upon the recommendation of the director of the department or agency in which said probationer is employed, with the approval of the City Manager and the majority of the Board.

Section 3.    PROBATIONARY REPORT. A performance appraisal must be submitted by the department director to the Secretary and Chief Examiner before the end of the probationary period, or at the time of probationary separation. If the employee's services are unsatisfactory and he/she is to be discharged, the performance appraisal must include reasons in support of removal. Additionally, the department director will provide the probationer with copies of any recommendation for discharge from service.

Section 4.    STATUS OF SEPARATED PROBATIONARY EMPLOYEE. An employee separated prior to the end of his/her initial probationary period, or resigning in lieu of dismissal, has no right of appeal. The employee will also be ineligible for any appointment to the classified service for a period of two (2) years, unless, in the judgment of the Board, the cause of his/her removal would not affect the employee's usefulness in some other type of employment.

Section 5.    PERMANENT EMPLOYEE. An employee who has served an initial probationary period is subject to an additional six (6) month probationary period upon promotion or appointment to a new classification under the competitive or noncompetitive process. An employee whose position is being changed to part-time status, voluntarily or involuntarily, will not serve an additional six (6) month probationary period. In the case of unsatisfactory performance of such an employee, the department director may submit to the Board a recommendation for his/her removal from the position under the following procedures:

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**CIVIL SERVICE RULES AND REGULATIONS**  
**City of Dayton, Ohio**

**TITLE** PROBATION **RULE** 10

- A. An employee who fails to qualify during his/her probationary period following promotion has the right to return to his/her last previous classification, or to an equal or lower position for which qualified. Such action will not cause the displacement or reduction of any other City employee.
- B. A department director's recommendation for a change in a permanent employee's status due to failure to satisfactorily complete the probationary period must clearly address those aspects of direct job performance which were unsatisfactory (such as the inability to operate new equipment, or the inability to learn and apply new job techniques, etc.). Incidents which would normally give rise to Charges and Specifications being brought against the employee because of misconduct should be administered through the Employee Discipline process, and should not serve as the basis for the reduction of an employee's status during the probationary period.

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**CIVIL SERVICE RULES AND REGULATIONS**  
**City of Dayton, Ohio**

**TITLE    TRANSFERS AND ASSIGNMENTS**

**RULE   11**

Section 1.    TRANSFER. Upon prior written notification to the Board, the City Manager may transfer an employee from one department, agency, or division to another provided that:

- A.    no change in classification is involved;
- B.    the employee has already served the probationary period;
- C.    no disciplinary action is pending before the Civil Service Board;
- D.    no displacement of another employee occurs;
- E.    no promotional eligible list exists.

Section 2.    ASSIGNMENT. An employee in the classified service may be assigned duties of a different, but substantially equal, classification. Such assignments shall not exceed thirty (30) days without prior approval of the Secretary and Chief Examiner.

Section 3.    VOLUNTARY TRANSFER. The City Manager may transfer an employee from one department to another, and a department director may transfer an employee from one division to another within the same department, at an employee's request, provided no change in classification is involved and no displacement of another employee occurs. No voluntary transfer from one department to another can be made unless the employee has served at least six (6) months in the department from which transfer is being made.

No transfer will be made if a promotional eligible list exists for the position to which transfer is recommended, unless the same promotional eligible list can be used to replace the transferring employee.

All interdepartmental transfers must be approved by the Civil Service Board.

Section 4.    TRANSFER - GENERAL. A transferred employee is not subject to a new probationary period.

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# CIVIL SERVICE RULES AND REGULATIONS

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## RULE 12

Section 1.      VOLUNTARY DEMOTION. An employee may request demotion to a position that he/she held previously by permanent appointment. Such request will be granted only if a vacancy exists in the classification to which he/she seeks demotion. Approval of the City Manager and the Secretary and Chief Examiner is required. If a demotion is requested when no vacancy exists, the employee may be placed at the top of a promotional and/or open eligible list for the title to which the employee seeks demotion.

Section 2.      VOLUNTARY DEMOTION – CHANGE IN TYPE OF APPOINTMENT. A Professional – Technical – Supervisor and Management employee, upon prior written notification, may request a voluntary change in type of appointment of thirty-five (35) or less hours per week. Such request shall be granted with the approval of the City Manager and Secretary and Chief Examiner. Employee may request to return to his/her last previous full-time classification with the approval of the City Manager and Secretary and Chief Examiner.

Section 3.      DEMOTION BECAUSE OF PHYSICAL INCAPACITY. When an employee becomes temporarily or permanently incapacitated for the performance of his/her duties due to their physical or mental condition, as medically documented by the Department of Human Resources, the department director, with the approval of the City Manager, may demote the employee to a position in a lower grade for which he/she is qualified, and which is within his/her physical capabilities. Such a demotion may be temporary or permanent. Such a demotion can be made only if a vacancy exists, and the Board shall be notified of such action.

If the employee objects to demotion for disability reasons, he/she shall have the right of appeal to the Board.

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# CIVIL SERVICE RULES AND REGULATIONS

## City of Dayton, Ohio

TITLE	DISCIPLINARY OR DISMISSAL ACTION	RULE	13
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Section 1. DISCIPLINARY/DISMISSAL POLICY. The tenure of every employee in the classified service shall be conditioned on the satisfactory conduct of the employee and continued, efficient performance of assigned duties and responsibilities. A permanent employee may be dismissed, demoted, or suspended for cause.

Section 2. CAUSES FOR DISCIPLINARY OR DISMISSAL ACTION. The following are among the non-exclusive causes which shall be sufficient for dismissal, demotion or suspension:

- A. Absence without leave or failure to return from leave;
- B. Conduct unbecoming an employee in the public service;
- C. Inability to perform job duties due to mental or physical disability of a permanent or temporary nature;
- D. Incompetency, inefficiency, or neglect of duty;
- E. Insubordination;
- F. Under influence of drugs or alcohol while on duty;
- G. Negligent or willful or wanton damage to public property or waste or unauthorized use of public supplies or equipment;
- H. Violation of any lawful or reasonable regulations or orders made and given by a superior;
- I. Violation of any enacted or promulgated statute, ordinance, rule, policy, regulation, or other law;
- J. Conviction of a felony or misdemeanor which adversely bears on the employee's suitability for continued employment;
- K. Violation of any provision of the City Charter.

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**CIVIL SERVICE RULES AND REGULATIONS**  
**City of Dayton, Ohio**

**TITLE** DISCIPLINARY OR DISMISSAL ACTION **RULE** 13

Section 3.     ABSENCE WITHOUT LEAVE. No employee shall absent him/herself from duty without permission of his/her supervisor or other appropriate official.

After twenty-four (24) scheduled work hours of absence without reporting, the department director may declare the position vacant and report the employee as having resigned. Such a resignation may be set aside, upon the recommendation of the City Manager, with the approval of the Board, if the employee submits a reasonable explanation for his/her failure to report the absence.

Section 4.     DISCIPLINARY DEMOTION. Any employee who is demoted as the result of disciplinary action shall not displace any permanent employee or probationary employee in good standing.

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## CIVIL SERVICE RULES AND REGULATIONS

### City of Dayton, Ohio

<b>TITLE</b>	<b>PROCEDURE ON APPEAL</b>	<b>RULE</b>	<b>14</b>
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- Section 1.      DEFINITIONS.
- A.      "Disciplinary Authority" means the officer, commission, board, or body having the power to dismiss, suspend, or reduce in rank any employee in the classified service.
- B.      "Disciplinary Action" means the dismissal, reduction, or suspension of any employee in the classified service.
- C.      "Appellant" means any employee in the classified service appealing a disciplinary action to the Civil Service Board.

Section 2. NOTICE OF APPEAL.

- A. Any employee in the classified service against whom disciplinary action is taken by the Disciplinary Authority may appeal therefrom to the Civil Service Board no later than ten calendar (10) days from the effective date of such disciplinary action.
- B. An Appeal Request form, (which is written notice of appeal), shall be filed with the Civil Service Board office. Such notice of appeal shall contain the name and current mailing address of the Appellant, the disciplinary action appealed, and the effective date of the disciplinary action.
- C. When any employee of the City of Dayton in the classified service who has been suspended, reduced in rank, or dismissed from the service, appeals to the Civil Service Board, the Board shall schedule a hearing no later than forty-five (45) calendar days from the date of receipt of the appeal, or at such other time as may be agreed to by the Appellant and the Civil Service Board.

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# CIVIL SERVICE RULES AND REGULATIONS

## City of Dayton, Ohio

**TITLE      PROCEDURE ON APPEAL      RULE   14**

- D. Such hearing shall be open to the public unless otherwise requested by the Appellant and approved by the Board.
- E. The appeal may be heard by the Board or a Hearing Officer appointed by the Board, either by direct employment or by contract. The Hearing Officer shall be an Attorney at Law. Appeals of disciplinary actions resulting in dismissals may be heard by a Hearing Officer only with the express consent of the Appellant.

Section 3. CONTINUANCES. The Board, or its Hearing Officer conducting the hearing, may grant continuances for good cause shown.

Section 4. CHARGES AND SPECIFICATIONS. The Board or its Hearing Officer shall hear the evidence upon the Charges and Specifications as filed with it by the Disciplinary Authority. No material amendment of or addition thereto will be considered. Charges that have been dismissed by the Disciplinary Authority shall not be considered.

**Section 5. PROCEDURE AT HEARINGS.**

- A. The Disciplinary Authority shall be represented by the City Attorney or other counsel appointed by the City Attorney. The Appellant may represent him/herself or may be represented by any person of his/her own choosing.
- B. The order of proof shall be as follows:
  - 1) The Disciplinary Authority shall present its evidence in support of the Charges and Specifications and disciplinary action taken.
  - 2) The Appellant may then present such evidence as he/she may wish to offer in his/her defense to the Charges and Specifications and disciplinary-action taken.
  - 3) The Disciplinary Authority shall then present rebuttal evidence to issues raised by the Appellant in the presentation of his/her defense.
  - 4) The Board or its Hearing Officer may, in its or his/her discretion hear arguments.

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**CIVIL SERVICE RULES AND REGULATIONS**

**City of Dayton, Ohio**

  

<b>TITLE    <u>PROCEDURE ON APPEAL</u></b>	<b>RULE   <u>14</u></b>
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**RULE 14**

- C. The Board or Hearing Officer conducting a hearing shall have full authority to control the procedure of the hearing, including the authority to admit or exclude testimony or other evidence and to rule upon all objections. In so doing, the Board or Hearing Officer shall not be bound by the Rules of Evidence. The Board or Hearing Officer conducting the hearing shall have the authority to take any actions that it deems necessary and proper for the conduct of such hearing. In cases heard by the Board, the Board shall designate one of its members as the presiding member.
- D. All testimony shall be taken under oath or affirmation, and shall be recorded by a certified stenographic reporter. All testimony shall be subject to cross-examination by the party against whom it is offered.
- E. Where an appeal is heard by a Hearing officer, said Officer shall, upon due consideration of the evidence adduced at the hearing, oral argument, and/or briefs of the parties, submit to the Board within thirty (30) days of the completion of the hearing or the submission of written arguments or briefs whichever occurs later, a written report setting forth his/her findings of fact and conclusions of law, and a recommendation of action to be taken by the Board.
- Section 6. DECISION OF THE BOARD.
- A. A majority of the Board, after due consideration of the record and, when applicable, the report of the Hearing Officer, shall, within thirty (30) days after the hearing or filing of the Hearing Officer's report, whichever is later, issue a decision on the appeal in writing, which decision may be to affirm, disaffirm, or modify the disciplinary action of the Disciplinary Authority. In such decision, the Board shall state its findings of fact found separately from its conclusions of law.

Section 6. DECISION OF THE BOARD.

- A. A majority of the Board, after due consideration of the record and, when applicable, the report of the Hearing Officer, shall, within thirty (30) days after the hearing or filing of the Hearing Officer's report, whichever is later, issue a decision on the appeal in writing, which decision may be to affirm, disaffirm, or modify the disciplinary action of the Disciplinary Authority. In such decision, the Board shall state its findings of fact found separately from its conclusions of law.

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## CIVIL SERVICE RULES AND REGULATIONS

### City of Dayton, Ohio

<b>TITLE</b>	<b>PROCEDURE ON APPEAL</b>	<b>RULE</b>	<b>14</b>
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B. The decision of the Board shall be filed with the Secretary and Chief Examiner, who shall forthwith serve copies thereof upon the Appellant and his/her representative and the Disciplinary Authority. The decision of the Board shall be a final order, and may be appealed by either the Appellant or by the Disciplinary Authority, as provided by general law.

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## CIVIL SERVICE RULES AND REGULATIONS

### City of Dayton, Ohio

**TITLE    LAYOFF PROCEDURE**

**RULE   15**

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Section 1.      LAYOFF PROCEDURE. (Except Sworn Police & Fire Personnel) Whenever a position is abolished, the employee with least City-wide seniority in the classification or, in a classification subsequently affected, shall be removed if no vacancy exists. If two employees so affected have identical City-wide seniority, the employee with the least service time in the classification shall be removed. In determining seniority or service time, no service shall be included prior to a period of absence which exceeded one (1) year, except for military leave, and no time served in the unclassified service shall be included. If, within a year, an individual who resigned from City service is reinstated by the Board or obtains reemployment by selection from an eligible list, the calendar days from date of resignation until date of reemployment shall be deducted from his/her seniority. If the individual is not reappointed within one year from the date of his/her resignation from City service, his/her seniority will be computed from the date of reappointment. Other deductions of service credit will be defined by a Civil Service Board published policy. The continued tenure of any employee so removed from a position shall be determined in the following manner:

- A.      The employee shall be transferred to any other classification in the same grade previously held by permanent appointment.
- B.      If not entitled to a position under the above, the employee shall be demoted to a lower grade position within the series in descending order, whether or not said employee has previously held such a position.

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**CIVIL SERVICE RULES AND REGULATIONS**  
**City of Dayton, Ohio**

**TITLE    LAYOFF PROCEDURE**

**RULE   15**

- C.    If not entitled to a position under the above, the employee shall be demoted to a lower grade position previously held by permanent appointment in descending order, commencing with the last previously held position.
- D.    If not entitled to a position under the above, the employee shall be demoted to a lower grade position in the labor group. An employee who is demoted into the labor group shall displace the employee in the group with the least City-wide seniority.
- E.    If the employee is not entitled to a position under the above, or waives his/her rights to a position under either A, B, or C above, said person may be appointed to a vacancy in the "labor group" as determined by the Secretary and Chief Examiner.
- F.    In the event the employee is not entitled to any position, or waives his/her rights to all positions under the above, said person shall be laid off.

Any employee appointed or demoted to the labor group shall meet the minimum literacy and physical requirements, and any special qualification (e.g., driver's license) for such position.

Section 2.    LABOR CLASS. Persons in the labor service shall be laid off consistent with the provisions affecting other groups of services; namely, that employees with least total time of actual employment shall be laid off first. The positions designated for inclusion in the labor group shall be determined by the Board and published as a policy.

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**CIVIL SERVICE RULES AND REGULATIONS**

**City of Dayton, Ohio**

  

**TITLE    LAYOFF PROCEDURE                      RULE    15**

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Section 3.      LAYOFF PROCEDURE. (Sworn Police and Fire Personnel) Whenever positions are abolished in Police and Fire, displacement will proceed from the highest position affected to successively lower positions. The employee with the least in-grade seniority shall be displaced.

Said employee shall be included with all other employees in the next lower grade. In-grade seniority will then be computed for this group and the person with the least in-grade seniority shall be displaced. Such computations will be made for each successively lower grade with the employee having the least seniority in the lowest grade subject to layoff.

Sworn Police and Fire personnel cannot displace persons in any other employee group. However, they may be appointed to a vacancy in the labor group as determined by the Secretary and Chief Examiner.

Section 4. REINSTATEMENT. Any employee in the classified service laid off under "Layoff" provisions may be reinstated, in accordance with Rule 8. An employee recalled from layoff shall be credited with his/her full seniority for all of his/her active service, for purposes of determining eligibility for promotional examinations. He/she shall not be subject to a new probationary period; but if he/she was laid off from a position in which original appointment is dependent in part upon passage of a physical examination, another physical examination will be required at the time of recall if such separation exceeded ninety (90) days.

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# CIVIL SERVICE RULES AND REGULATIONS

## City of Dayton, Ohio

TITLE PERFORMANCE APPRAISAL RULE 16

Section 1. APPRAISAL SYSTEMS. The City Manager will develop one or more systems for the appraisal of employee performance and will provide necessary training for each appraiser in the use of the system of which he/she is a part. To the extent possible, any system so devised will include provision for consultation between appraiser and subordinate as a part of the appraisal process. The Civil Service Board will determine the minimum acceptable standards for continued employment with the City.

Section 2. USE OF APPRAISAL SYSTEMS. Any system so adopted will include the overall appraisal of performance representing the judgment of the rater on the employee's total performance during the rating period. The appraisal system may be used for any of the following purposes:

- A. To counsel employees, so that they have a clear understanding of their duties and responsibilities, the work of their department, and the objectives toward which they should strive.
- B. To improve performance by describing strengths and weaknesses of employee performance, and suggesting means for improvement of any weaknesses.
- C. To evaluate employees for merit increases in salary within the salary range.
- D. As a step in the process of corrective disciplinary action.
- E. As an element in any competitive promotional examination in accordance with Rule 7.

Section 3. EMPLOYEE PARTICIPATION. Each employee rated in accordance with the Rule has the right to receive a copy of the rating, and to discuss it with the evaluator.

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# CIVIL SERVICE RULES AND REGULATIONS

## City of Dayton, Ohio

TITLE    **MILITARY SERVICE RULE**    **RULE 17**

Section 1.      POLICY. No City employee or person on an eligible list for City employment will be made to suffer any loss of job rights as a result of his/her being called into military service.

Section 2.      RESTORATION TO POSITION. A classified employee called into active duty in any of the United States armed forces shall be returned to his/her City position if he/she makes application within ninety (90) days following discharge from active duty. If he/she was called into such duty during his/her City probationary period, the probationary period shall be extended by the number of calendar days absent in that period as a result of such duty.

Section 3.      ELIGIBLES CALLED INTO MILITARY DUTY. If a person whose name is on an eligible list for City employment is called into military service, he/she may make application to the Board, within ninety (90) days following termination of his/her active duty, to have his/her name restored to the eligible list.

Section 4. LIMITATIONS. The foregoing does not apply to a person who holds only a temporary, seasonal, part-time, or emergency appointment in City service.

Section 5. VOLUNTARY ENLISTMENT INTO MILITARY DUTY.

- A. An employee who voluntarily enlists for military duty must request Board approval of an extended leave of absence, and the length of approved leave of absence shall be consistent with the limitations set forth in the Veterans' Reemployment Rights Statute in effect at that time. Application for return to his/her City position must be made within ninety (90) days following discharge from active duty. If he/she enlisted during his/her City probationary period, the probationary period shall be extended by the number of calendar days absent in that period due to said military service.
- B. A person whose name appears on an eligible list(s) for City employment, who voluntarily enlists for military duty, may, within ninety (90) days following termination of his/her active duty, make application to the Board to have his/her name restored to the eligible list(s).

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# CIVIL SERVICE RULES AND REGULATIONS

## City of Dayton, Ohio

TITLE	PROHIBITED PRACTICES	RULE	18
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Section 1.      FRAUD IN EXAMINATIONS. If a candidate, during an examination, is found to be using, without permission, any extraneous information such as other candidates' papers, memoranda, crib notes, pamphlets and/or books of any kind or otherwise is found to have cheated, his/her exam papers shall be taken and the Secretary and Chief Examiner shall have them graded with a zero (0) and note on the exam papers the reason for such marking. Such applicant may be barred from taking any future examination as determined by the Civil Service Board.

Section 2.      FRAUD BY EXAMINERS. No examiner, including special examiners either from other City departments or from outside the City service, shall willfully or corruptly make a false mark, grade, estimate, or report on an examination with respect to the proper standing of any person examined; or furnish to anyone special or secret information for the purpose of improving or injuring the prospects or chances for the appointment, employment, or promotion of any person examined or to be examined. If such person is in the employ of the City, he/she shall be subject to dismissal. If he/she is not a City employee, his/her contract for services to be provided with regard to this or any other civil service examination shall be cancelled, and no payment made thereunder for any services previously rendered.

Section 3.      PARTICIPATION BY RELATIVES. No Civil Service Board staff member shall take any part in the preparation, administration, or grading of any examination in which a relative is a candidate. It shall be the obligation of the staff member to notify the Secretary and Chief Examiner whenever he/she learns that a relative is expected to be a candidate. Thereupon, the Secretary and Chief Examiner shall take all necessary steps to assure the integrity of the examination.

In case of willful failure to so notify the Secretary and Chief Examiner, the staff member shall be subject to disciplinary action, and if privileged information was transmitted from the staff member to the candidate, the candidate shall be disqualified from the examination, or if the examination has already been held, his/her name shall be removed from the eligible list, or if he/she has received an appointment, he/she shall be subject to discharge.

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**CIVIL SERVICE RULES AND REGULATIONS**

**City of Dayton, Ohio**

  

<b>TITLE    <u>PROHIBITED PRACTICES</u></b>	<b>RULE   <u>18</u></b>
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Inasmuch as it is the intent of this section to maintain the integrity of the examination process, it shall not be necessary to establish that privileged information was actually transferred from staff member to candidate, in order to apply the penalty to the staff member.

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# CIVIL SERVICE RULES AND REGULATIONS

## City of Dayton, Ohio

TITLE      REPORTS AND RECORDS      RULE   19

Section 1.      REPORTS TO THE BOARD. Appointing officers shall make prompt and complete reports to the Board on the following matters, on forms prescribed or by letter where no forms are prescribed:

- A. Appointments of any type.
- B. Reinstatements, promotions, transfers, or any other change of employee status.
- C. Declination of appointments by persons certified for consideration of appointment.
- D. Disciplinary actions, including suspension, demotion, or dismissal.
- E. Salary changes.
- F. Creation of new positions, or material changes in duties of any positions.
- G. Changes of address of any employees.
- H. Copy of each payroll as submitted to the Director of Finance.

Section 2.      PAPERS PROPERTY OF THE BOARD. All original papers, applications, examinations, certificates, legal documents, etc., are the property of the Civil Service Board and will be filed in the Civil Service Board Office and kept for not less than one (1) year, except that examination papers of those failing to qualify may be destroyed after sixty (60) days. The Secretary and Chief Examiner, with Board approval, will develop a retention schedule for all other records maintained under the supervision of the Board.

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# CIVIL SERVICE RULES AND REGULATIONS

## City of Dayton, Ohio

**TITLE      BOARD OF EDUCATION      RULE      20**

Section 1.      GENERAL. In accordance with the authority conferred upon the Board by Section 124.40 of the Ohio Revised Code, the Board shall adopt separate Rules and Regulations of the Civil Service Board for the Dayton Public School District, which shall provide uniform standards for appointment, promotion and separation in the classified service of the Dayton Public School District.

Section 2.      PROCEDURE ON APPEAL. Except as modified by the Rules for the Dayton Public School District, the procedure on appeal set forth herein will be applicable to all classified positions in the Dayton Public School District.

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CIVIL SERVICE RULES AND REGULATIONS  
City of Dayton, Ohio

TITLE      AMENDMENTS    RULE    21

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Section 1.      PROCEDURE. These Rules may be amended, repealed, or supplemented by the Board at any time and new Rules adopted; provided that no amendment, repeal or supplement shall be adopted in less than seven (7) days after its proposal; and provided further, no such change will be operative until approved by the City Commission.

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**CIVIL SERVICE RULES AND REGULATIONS**  
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**TITLE**    **SCOPE OF CIVIL SERVICE RULES - SAVINGS CLAUSE**                      **RULE**    **22**

Section 1.    GENERAL. If any section or part of a section of these Rules is held by a Court of competent jurisdiction to be invalid or unconstitutional, the same shall not invalidate or impair the validity, force, and effect of any other section or part of a section of these Rules unless it clearly appears that such other section or part of a section is wholly or necessarily dependent for its operation upon the section or part of the section held invalid or unconstitutional.

A.    Civil Service Rules shall supersede any rules, regulations, practices, or contracts inconsistent with its terms, unless approved by the Board.

B.    Nothing herein contained shall affect any examination held or any eligible list heretofore formed, and every eligible list duly formed under previous regulations shall in all respects be deemed to be formed under these Rules.

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